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DISTRICT I

October 19, 2021

To:

Hon. Ellen R. Brostrom
Circuit Court Judge
Electronic Notice

Tammy Kruczynski
Juvenile Clerk
Milwaukee County
Electronic Notice

Carl W. Chesshir
Electronic Notice

Jenni Spies-Karas
Electronic Notice

Division of Milwaukee Child Protective
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K-L.G.

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You are hereby notified that the Court has entered the following opinion and order:

2021AP1404-NM	In re the termination of parental rights to K.S., a person under the age of 18: State of Wisconsin v. K-L.G. (L.C. # 2020TP12)
2021AP1405-NM	In re the termination of parental rights to J-L.S., a person under the age of 18: State of Wisconsin v. K-L.G. (L.C. # 2020TP13)

Before Donald, P.J.¹

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

K-L.G. appeals circuit court orders terminating her parental rights to her son, K.S., and her daughter, J-L.S. Attorney Carl W. Chesshir, appointed counsel for K-L.G., has filed a no-

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(e) (2019-20). All references to the Wisconsin Statutes are to the 2019-20 version unless otherwise noted.

merit report pursuant to WIS. STAT. RULES 809.107(5m) and 809.32. K-L.G. was served with a copy of the report and advised of her right to file a response. She has not filed a response. Based on our review of the no-merit report and our independent review of the records as required by *Anders v. California*, 386 U.S. 738 (1967), this court concludes there is no issue of arguable merit that could be raised on appeal and summarily affirms the orders.

K.S. was born on August 9, 2013. J-L.S. was born on May 11, 2015. Both children have been placed outside the parental home since April 2016, and both children were found to be in need of protection and services on July 28, 2016. The State filed petitions to terminate K-L.G.'s parental rights to K.S. and J-L.S. on January 27, 2020. The petitions alleged that the children continued to be in need of protection or services. *See* WIS. STAT. § 48.415(2). On November 24, 2020, K-L.G. pled no-contest to the allegations that the children continued to be in need of protection and services. The circuit court conducted a prove-up hearing the same day. On March 31, 2021, and April 7, 2021, the court held a dispositional hearing. The circuit court determined that termination of K-L.G.'s parental rights was in the best interest of K.S. and J-L.S. and entered orders to that effect.

The no-merit report first addresses whether K-L.G. knowingly, voluntarily, and intelligently entered pleas of no-contest to the grounds alleged as to each child—that they continued to be in need of protection and services. *See* WIS. STAT. § 48.415(2). The circuit court conducted a thorough colloquy with K-L.G. about the rights she was waiving before accepting her no contest pleas in accord with WIS. STAT. § 48.422(7). In addition, the circuit court heard testimony from K-L.G.'s family case manager, Courtney Casey, and established that there was an adequate factual basis for the circuit court to conclude that the children continued to be in

need of protection of services within the meaning of § 48.415(2). Therefore, there would be no arguable merit to an appellate challenge to K-L.G.'s no-contest pleas.

The no-merit report next addresses whether the circuit court erroneously exercised its discretion during the dispositional phase of proceedings when it concluded that it was in the children's best interest to terminate K-L.G.'s parental rights. "The ultimate decision whether to terminate parental rights is discretionary." *Gerald O. v. Cindy R.*, 203 Wis. 2d 148, 152, 551 N.W.2d 855 (Ct. App. 1996). The circuit court must consider the factors set forth in WIS. STAT. § 48.426, giving paramount consideration to the best interest of the child. See *Gerald O.*, 203 Wis. 2d at 153-54. The factors enumerated in § 48.426 include:

- (a) The likelihood of the child's adoption after termination.
- (b) The age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home.
- (c) Whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
- (d) The wishes of the child.
- (e) The duration of the separation of the parent from the child.
- (f) Whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements.

Sec. 48.426(a)-(f).

Here, the record shows that the circuit court expressly considered each of these factors in light of the relevant evidence, made a number of factual findings based on that evidence, and reached a reasonable decision when it concluded that terminating K-L.G.'s parental rights to

K.S. and J-L.S. would be in their best interest. We need not summarize all of the evidence, but note that it included that the children were likely to be adopted by their foster parents if K-L.G.'s parental rights were terminated; that the children were bonded with their foster parents and doing very well; that the foster parents for each child were committed to helping the children maintain their sibling relationship with each other and with their older siblings who had been adopted by another family; that the children had not lived with K-L.G. in nearly five years; and that terminating K-L.G.'s parental rights would allow the children to enter into more permanent and stable familial relationships. K-L.G. could not reasonably argue that the circuit court erroneously exercised its discretion.

The no-merit report also addresses whether the circuit court erred by finding that termination of K-L.G. parental rights complied with the Indian Child Welfare Act (ICWA). Both children are either members of or eligible for membership in the Sokaogon Chippewa Tribe. Nicholas Vanzile, Director of Indian Child Welfare for the Sokaogon Chippewa Community, testified at the dispositional hearing that he either attended or was aware of every hearing involving the children and commended the department for their efforts regarding the children. He agreed that there were no Native American homes available for the children and approved the disposition because the children were able to maintain their relationship as siblings. The children's case manager testified that she was in consistent contact with the Tribe throughout the entirety of both cases. Therefore, there would be no arguable merit to an appellate argument that the circuit court erred in finding that the termination of K.-L.G.'s parental rights complied with the ICWA.

This court's review of the record discloses no other arguably meritorious issues for appeal.

Therefore,

IT IS ORDERED that the circuit court's orders are summarily affirmed. *See* WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that Attorney Carl W. Chesshir is relieved of any further representation of K-L.G. in this matter.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Sheila T. Reiff
Clerk of Court of Appeals